

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



July 29, 1985

ALL-COUNTY INFORMATION NOTICE I-60-85

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: SHAW v. McMAHON

REFERENCE: ACL 84-109, 85-25, 85-67

This is to inform you that on June 27, 1985 an Amended Notice of Decision was issued by Judge Dolgin of the Superior Court of Contra Costa County in the case of Shaw v. McMahon. An order is currently being written.

The order will enjoin and prohibit this Department and its agents from denying state-only AFDC-U benefits to families of the Shaw class solely because they meet federal standards for unemployed parents (e.g., connection to the labor force). The order will be effective back to October 1, 1984, for the retro-active cases and February 21, 1985, for prospective cases.

Effective immediately, counties are to delete from the paragraph in ACL 85-25, Attachment B, Page 1, under the Shaw v. McMahon Implementing Instructions, the Prospective Implementation Section, the sentence which begins "Therefore, in order to get state-only AFDC-U a principal earner cannot...AFDC-U benefits under the Shaw order." In addition, in ACL 85-67, Attachment A, Shaw v. McMahon, the paragraphs entitled Shaw Eligibility shall be deleted.

An All-County Letter with detailed implementing instructions will be issued within approximately three weeks after issuance of an order. Counties should identify all Shaw cases in which state-only AFDC-U benefits were denied due solely to the family meeting federal standards for unemployed parents.

If you have any questions, please contact Kathy Layne, AFDC Program Development Bureau at (916) 324-0097 or (916) 322-5387, ATSS 454-0097.


ROBERT A. HOREL
Deputy Director

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

(916) 445-0813

July 19, 1985



ALL COUNTY INFORMATION NOTICE NO. 1-59-85

TO: ALL COUNTY WELFARE DIRECTORS

SUBJECT: UPDATE ON AB 3632

The purpose of this letter is to provide information regarding the current status of Assembly Bill (AB) 3632 and the results of the AB 3632 Survey (Estimated Costs by County Welfare Departments for Out-of-Home Care in 1984-85).

AB 3632 (Chapter 1747/Statutes of 1984) assigns to specific agencies responsibility for out-of-home care and services for seriously emotionally disturbed (SED) children. The State Department of Social Services is assigned responsibility for administering the issuance of payments for out-of-home care costs for SED children who are not abused and neglected and are placed out-of-home pursuant to an individualized education program (IEP). AB 3632 creates a new Aid to Families with Dependent Children - Foster Care (AFDC-FC) category for SED children with IEP's. Implementation of AB 3632 was to have become effective July 1, 1985. However, the Governor recently signed into law a bill postponing implementation until July 1, 1986.

The Department has been working with the Departments of Mental Health and Education and Assembly Member Willie Brown's Office to introduce "clean-up" amendments to AB 3632 in order to clarify its intent and more clearly designate roles and responsibilities among agencies serving SED children. The amendments have until recently been in AB 105. However, we anticipate that they will be added to AB 882.

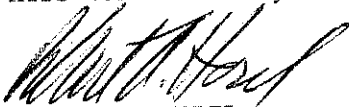
Proposed provisions in the clean-up amendments which impact county welfare departments (CWDs) are as follows:

- The county mental health department (CMH) will participate on the IEP team and provide case management and supervision of SED children. Case management and supervision responsibilities may be delegated to the CWD by agreement with the CMH.
- CWD involvement in the IEP team process will be limited to providing assistance as needed in identifying appropriate placements. The CWD will not be represented on the IEP team unless case management/supervision has been delegated.

- SED children will not be served under AFDC-FC Program provisions. The Department will set up a separate payment system for this population and supervise CWD payment issuance. (SED children who are abused/neglected will still be served under the AFDC-FC Program.)
- CWDs may develop a common payment delivery system which would result in a single payment to a provider for all related services provided to an SED child. Approval must be obtained from the Department and other appropriate agencies.
- The Department of Mental Health will determine payment eligibility criteria and required services for SED children.
- SED children must be placed in licensed facilities. Payments for out-of-home care will be based on the same rates as those established for AFDC-FC children.
- The CWD will issue payments based on authorization from the CMH.
- Payments will be funded from a separate closed-ended appropriation in the Department of Social Services' budget. Reimbursements for both out-of-home care and local administrative costs will be subject to that appropriation and the same sharing ratios as established for the AFDC-FC Program.

In order to ensure sufficient funding for the SED population, we requested that CWD's identify the number of SED children currently on the AFDC-FC caseload and costs related to these children. Based on CWD responses to the AB 3632 Survey, there is a total of 747 children (445 federal, 302 state) on the caseload who are SED with an existing IEP. In addition, 376 children (191 federal, 185 state) on the caseload are SED and have been reported likely to be referred for establishment of an IEP. However, because information on the number of SED children whose out-of-home placement is currently being funded by local school districts or CMHs is not yet available, the total SED population to be served under the provisions of AB 3632 is not known at this time.

The Department will be providing instructions regarding implementation of AB 3632 in the coming months. Please contact Ms. Lisa Foster at (916) 445-0813, ATSS 485-0813 if you have any questions.



ROBERT A. HOREL
Deputy Director
Welfare Program Operations

cc: CWDA
CWDA Task Force on AB 3632